

Iakovou Deposition

Additional Transcript Excerpts

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,)

)

PLAINTIFF,)

)

VS.)

CIVIL ACTION

)

NO. 1:23-CV-00853-DAE

GREG ABBOTT, IN HIS)

CAPACITY AS GOVERNOR OF)

THE STATE OF TEXAS, AND)

THE STATE OF TEXAS,)

)

DEFENDANTS.)

ORAL DEPOSITION OF

ELEFTHERIOS IAKOVOU, PH.D.

July 11, 2024

ORAL DEPOSITION of ELEFTHERIOS IAKOVOU, PH.D.,
produced as a witness at the instance of the Plaintiff,
and duly sworn, was taken in the above-styled and
numbered cause on the 11th day of July, 2024, from
9:10 a.m. to 4:00 p.m., before Anica Diaz, CSR, RPR,
CRR, in and for the State of Texas, reported by machine
shorthand, at the Offices of U.S. Attorney's Office for
the Western District of Texas, 903 San Jacinto Boulevard,
Suite 334, Austin, Texas, pursuant to the Federal Rules
of Civil Procedure and the provisions stated on the
record or attached.

1 about an hour and a half now. Let's say we take a
2 break.

3 THE WITNESS: Sure. I would love to.
4 Thank you. Thank you for that.

5 MR. KNUDSEN: Let's go off the record for
6 15-minute break.

7 THE WITNESS: Sure.

8 MR. KNUDSEN: Okay.

9 (Break taken from 10:36 a.m. 10:56 a.m.)

10 MR. KNUDSEN: Okay. Let's go on the
11 record. The time is 10:56 a.m., Central.

12 Q. (By Mr. Knudsen) I'd like to turn to another
13 defined term in your expert report.

14 A. Uh-huh.

15 Q. So let's turn to Page 51 of Exhibit 1. Do you
16 see on -- excuse me. Let me know when you're there.

17 A. I'm on Page 51, yes, sir.

18 Q. Okay. Do you see in Section 7 --

19 A. Yes, sir.

20 Q. -- there's a term offered up "commercial
21 navigation"?

22 A. Uh-huh.

23 Q. And it says: "'Commercial navigation' means
24 that 'the act of sailing vessels on water' for the
25 purpose of engaging in commercial activity, such as

1 trade or transportation."

2 A. Uh-huh.

3 Q. Did I read that correctly?

4 A. Yes, sir. Yes, sir.

5 Q. Is that also a term provided by the State of
6 Texas for you to use in this report?

7 A. I think in the original document that it was
8 sent to me, which was just a collection of dictionary
9 terms, it was provided like this and I used it.

10 But what I tried, Counselor, to do there is
11 just to -- before I dwell in my technical terms, I try
12 to use generic terms that I can find in the dictionaries
13 to connect with the audience that is not going to be
14 necessarily technical, right? So commercial navigation
15 hinges up on the movement of vessels towards trade,
16 carrying cargo. That's what it is.

17 Q. Is this a legal term?

18 A. Commercial navigation?

19 Q. Yes.

20 A. It's a technical term. I don't know if it's a
21 legal term. You're the experts.

22 But commercial navigation is a technical
23 term that we use in industry, used in academia, National
24 Academy of Sciences. Remember, I keep on talking about
25 that report? It's actually published by the

1 before, is for navigability. Maybe it's my naive
2 thinking, but I wanted to grab one or two definitions
3 that, historically, can be used in the legal circles.
4 Does -- the same way I try to do with the highway of
5 commerce and try to fuse it in my own -- in my own
6 words.

7 In other words, instead of me showing up
8 and say my story, I try to say what -- how has
9 this -- have these terms been used so far in
10 litigations? How have these terms been used for
11 people -- in the ecosystem of litigation outside of my
12 craft. That's what I try to do. But affecting my
13 expert report, absolutely not. And I can document that
14 at any point in time. I mean, it's evident by reading
15 my report, right, that this is --

16 Q. Well, I mean, in turning to the second page of
17 Exhibit 2 --

18 A. Sure.

19 Q. -- you see the definition provided for
20 commercial navigation at Item No. 4?

21 A. Item No. 4. Which is item No. 4? Is
22 it -- four of the page number, Item H?

23 Q. No. Numeral four, Commercial Navigation.
24 Towards the bottom of the page.

25 A. Okay. Commercial navigation, yes, sir. That's

1 the use -- the one I brought up also in my -- on my
2 report specifically as I told you for that purpose, yes.

3 Q. So that is the same definition that's in your
4 report?

5 A. Yeah. So I brought it up. So this is the only
6 thing that I grabbed up and brought it specifically in
7 my report, trying to break the ice, if you will, just to
8 make sure that layman will understand what I'm talking
9 about.

10 Q. Okay. And is this list from Exhibit 2 the
11 basis for your using the term highway of commerce in
12 your report as well?

13 MR. STONE: Objection; form.

14 A. The highway of commerce came from a discussion
15 with a counselor, Mr. Stone, whenever we discussed
16 the -- how did --

17 MR. STONE: Let me stop you here.

18 THE WITNESS: Please.

19 MR. STONE: Okay. So you can answer to the
20 extent that we've talked about things, that I gave you
21 assumptions of facts to rely on, okay, or if I -- if I
22 gave you any kind of assumptions or facts that you
23 relied on, you can testify about that.

24 But any conversations we had are going to
25 be attorney/client privileged that extend beyond that,